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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,138	11/10/2006	Hans Mickelsson	P18543-US1	3290

27045 7590 08/02/2007

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EXAMINER	
KIANNI, KAVEH C	

ART UNIT	PAPER NUMBER
2883	

MAIL DATE	DELIVERY MODE
08/02/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/595,138	MICKELSSON ET AL.	
	Examiner	Art Unit	
	Kianni C. Kaveh	2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-6 is/are pending in the application.

4a) Of the above claim(s) 6 is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-5 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) 6 are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 03 March 2006 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 5.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-5, drawn to method of minimizing excess fiber cable classified in class 385, subclass 135.

II. Claim 6, drawn to an arrangement to minimize excess fiber cables, classified in class 385, subclass 137.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the invention I process steps can be carried out through casing(s) that not necessarily need to belong to casing 1 and casing 2 as required invention and also invention II can be made without some of the process steps of invention I such as attaching shrinking tube over a spliced sleeve as stated in invention I . Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

During a telephone conversation with Mr. Weatherford on 7/23/07 a provisional election was made without traverse to prosecute the invention of I, claims 1-5. Affirmation of this election must be made by applicant in replying to this Office action.

Claim 6 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites the limitation 'the splicing sleeve' in 3rd line. There is insufficient antecedent basis for this limitation in the claim and there no linking step between the claim step with that of the base claim. Correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1- 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Serrander et al. (US 20060072).

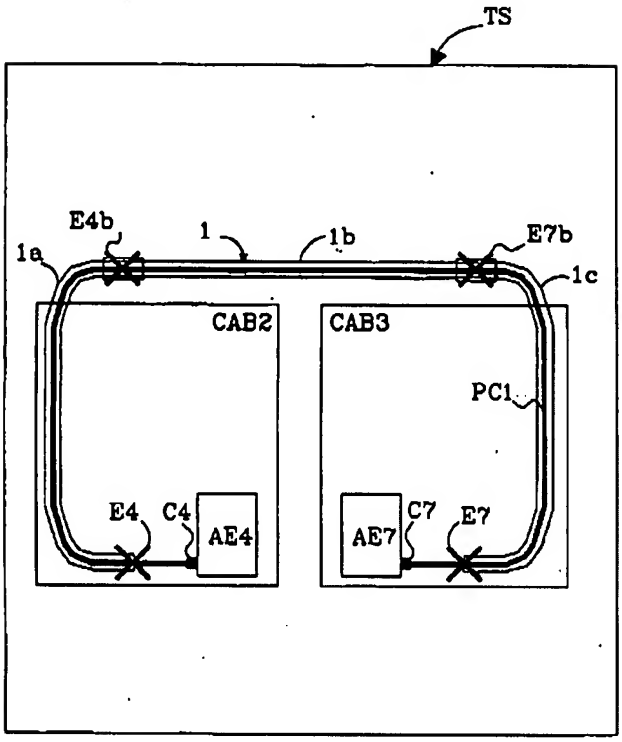

Fig. 2

Serrander teaches Method to minimize excess fiber cable in large-scale point-to-point fiber installations, between a first and second equipment in different cabinets (see fig. 1 and summary) comprising

at least one casing arranged to connect fiber cables between the first and second equipment in the cabinets via fan-out fiber cables (shown in at least fig. 1), the method comprising the following steps:

attaching optical fibers from a first end of a ribbon fiber cable to fibers in a first fan-out fiber cable via a first casing/tube that is adherent to a first cabinet;

routing of the ribbon fiber cable with a minimum excess length to a second casing adherent to a second cabinet; cutting the end of the ribbon fiber cable and splicing the

cut end of the ribbon fiber cable to a second fan-out fiber cable via the second casing adherent to the second cabinet (see 0028);

whereby each end of the ribbon fiber cable is spliced to a respective fan-out fiber cable by aid of fusion splicing (shown in fig. 2; see 0028); whereby the first and second fan-out fiber are routed between the first and second casings and first and second equipment respectively without excess length (shown in fig. 2; see at least 0028); whereby fibers in the fiber cables are spliced together over a splicing sleeve whereby a shrinking tubing is attached over the splicing sleeve, as protection (such step limitations are obvious and *extremely conventional* in the art in order to reinforce the spliced region of fused fibers and thus the Examiner takes Official Notice, and not giving patentable weight).

However, Serrander does not specifically state that the above cutting is implemented in the first/second. Nevertheless, Serreander states that for splicing purpose the fiber cutting would be implemented to optically couple through optical fiber cables. Thus, it is obvious to a person or ordinary skill in the art when the invention was made that optical coupling between the fan-out optical cables/fibers are being carried out by shortening/cutting excess fiber cables since such cutting would enhance flexibility in telecom station (0005).

Citation of Relevant Prior Art

Prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In accordance with MPEP 707.05 the following references are pertinent in

rejection of this application since they provide substantially the same information disclosure as this patent does. These references are:

The following teach conventional shrinking sleeves/tubings over the spliced fibers

US 5731051 A Fahey; Maureen T. et al.

US 4736632 A Case; Peter G.

Also other relevant art of the record:

(US-20030210882 or US-20020051616 or US-20030219194 or US-20040228598 or US-20060072892) or (US-5553186 or US-6014490 or US-6741785 or US-6542688 or US-5617501 or US-5590234 or US-5758004 or US-RE37489 or US-RE34955 or US-5231687 or US-5402515 or US-4840451 or US-4736632 or US-5731051) or (US-6542688 or JP-09005532)

These references are cited herein to show the relevance of the apparatus/methods taught within these references as prior art.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kianni C. Kaveh whose telephone number is 571-272-2417. The examiner can normally be reached on 9:30-19:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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PRIMARY PATENT EXAMINER

July 24, 2007